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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/651,664	08/29/2003	David R. Hembree	3634.4US (97-1094.04/US)	9327

24247 7590 10/28/2004

TRASK BRITT
P.O. BOX 2550
SALT LAKE CITY, UT 84110

EXAMINER

JEFFERY, JOHN A

ART UNIT	PAPER NUMBER
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3742

DATE MAILED: 10/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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20041027

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

See attached.

John A. Jeffery
Primary Examiner
Art Unit: 3742

DETAILED ACTION

Non-Responsive Amendment

The reply filed on 7/30/04 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s):

The submitted terminal disclaimer fails list all U.S. patents justifying the double patenting rejection.

In the first office action, the examiner rejected claims 1-19 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over:

- (1) claims 1-59 of U.S. Patent No. 6,614,003;
- (2) claims 1-59 of U.S. Patent No. 6,420,681;
- (3) claims 1-59 of U.S. Patent No. 6,329,637; and
- (4) claims 1-59 of U.S. Patent No. 6,121,576

In response, applicant timely submitted a terminal disclaimer that disclaimed the terminal portion of the term of any patent granted on the instant application beyond U.S. Patent 6,121,576 only. However, applicant did not make such a disclaimer with respect to the other three patents listed above. Consequently, the terminal disclaimer does not overcome the double patenting rejection.

To successfully obviate the rejection, applicant must reexecute the terminal disclaimer and list all four patents thereon.

Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever

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is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a). See 37 CFR 1.111.

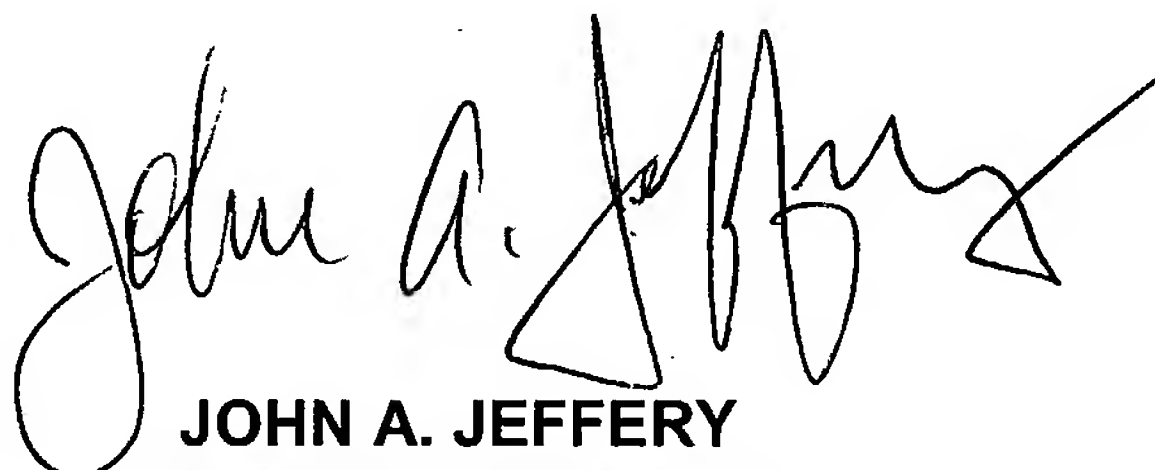
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John A. Jeffery whose telephone number is (703) 306-4601. The examiner can normally be reached on Monday - Thursday from 7:00 AM to 4:30 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans, can be reached on (703) 305-5766. All faxes should be sent to the centralized fax number at (703) 872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free)



JOHN A. JEFFERY
PRIMARY EXAMINER

10/27/04